

REMARKS

Claims 1, 3-9, 11-16, 18-28 and 36 are currently pending in the subject application, and are presently under consideration. Claims 1, 3-9, 11-16, 18-28 and 36 are rejected. Claims 1, 3, 16, 18, 28 and 36 have been amended. Claim 7 has been canceled. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Objection to Claim 3

Claim 3 is objected to as being of improper dependent form because it depends from a cancelled claim. Claim 3 has been amended to depend from claim 1. Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

II. Rejection of Claims 1, 3-9, 11-16, 18-28 and 36 Under 35 U.S.C. §112, Second Paragraph

Claims 1, 3-9, 11-16, 18-28 and 36 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 7 has been canceled. Accordingly, the rejection of claim 7 is now moot.

In the Office Action, the Examiner objects to the terms "desired information" and "desired content." Accordingly, the claims have been amended to replace "desired information" and "desired content" with "at least one of a video file, a data file and an audio file." The amendments to the claims are supported by at least Pars. [0007] and [0027] of the Specification. Therefore, Applicant's representative respectfully submits that claims 1, 3-6, 8, 9, 11-16, 18-28 and 36 are no longer rejectable under 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 1, 5-9, 11-16, 19-27 and 36 Under 35 U.S.C. §103(a)

Claims 1, 5-9, 11-16, 19-27 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0176547 to Jones ("Jones"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

As stated above, claim 7 has been canceled. Accordingly, the rejection of claim 7 is now moot.

Jones does not teach or suggest storing, at a client system, information related to a time-based bill when a network interface is activated and when the network interface is deactivated, and transmitting a call detail record from a client system to a billing module on a billing system (or to a billing system, as recited in claim 36) based on the information related to a time based bill, as recited in claims 1, 16 and 36. In rejecting claims 1, 16 and 36, the Examiner contends that numerous sections of Jones disclose these elements of claims 1, 16 and 36 (See Office Action, Pages 7 and 11). Applicant's representative respectfully disagrees. Jones discloses that a packet billing system 104 detects a call setup and call complete between communication devices 112 and 113 (See Jones, Pars. [0034]-[0035]). Additionally, Jones discloses that the packet billing system 104 generates a call record for the detected call and transfers the call detail record to a public switched telephone network (PSTN) billing system 194.

In contrast to the system disclosed in Jones, in claims 1 and 16, the information related to a time-based bill based on when a network interface is activated and deactivated is stored at the client system and a call detail record based on the information related to the time-based bill is transmitted from the client system to a billing module of a billing system (or to a billing system, as recited in claim 36). Instead, in Jones, a packet billing system 104 detects a call setup from a separate entity (the communication device 112). Therefore, Jones fails to teach or suggest storing, at a client system, information related to a time-based bill when a network interface is activated and when the network interface is deactivated, and transmitting a call detail record from a client system to a billing module on a billing system (or to a billing system, as recited in claim 36) based on the information related to a time based bill, as recited in claims 1, 16 and 36.

The Examiner contends that it would have been obvious to modify the teachings of Jones such that the communication device 112 and the packet billing system 104 were integrated to increase efficiency and reduce costs (See Office Action, Pages 7 and 11). Applicant's representative respectfully disagrees with the Examiner's rationale for the motivation to modify Jones. In Jones, the packet billing system 104 can detect signaling (e.g., a call) made by any communication device over link 172 (See Jones Par. [0032]). If the packet billing system 104 and the communication device 112 in Jones were combined (as suggested by the Examiner), the packet billing system 104 would only be able to detect signaling made from the communication device 112. That is, such an integration of the packet billing system 104 and a communication device would require that every communication device have a separate packet billing system. Therefore, the Examiner's purported modification of Jones would provide neither increased efficiency nor cost reduction as contended by the Examiner since the modification would replace a single packet billing system with a packet billing system for each communication device 112. Thus, Applicant's representative respectfully submits that Jones does not make claims 1, 16 and 36 obvious. Accordingly, claims 1, 16 and 36, as well as claims 5-6, 8-9, 11-15 and 19-27 depending therefrom, should be patentable over the cited art.

Additionally, Jones does not teach or suggest displaying call detail record information based on information (relating to a time-based bill), as recited in claims 15 and 27. In rejecting claims 15 and 27, the Examiner contends that numerous sections of Jones disclose the elements of claims 15 and 27 (See Office Action, Page 9, citing abstract and Pars. [0007], [0012], [0014]-[0017], [0029], [0035] and [0037] of Jones). The cited section of Jones discloses that a conventional PSTN billing system 194 receives a call detail record and processes the call detail record to generate a bill. However, in contrast to the call detail record recited in claims 15 and 27, the cited sections of Jones fails to teach or suggest that the call detail record disclosed in Jones is ever displayed. Accordingly, Jones fails to make claims 15 and 27 obvious.

For the reasons described above, claims 1, 5-6, 8-9, 11-16, 19-27 and 36 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 3 and 18 Under 35 U.S.C. §103(a)

Claims 3 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jones as applied to claims 1 and 16, and further in view of U.S. Publication No. 2001/0055291 to Schweitzer ("Schweitzer"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 3 and 18 depend from claims 1 and 16, respectively. In rejecting claims 3 and 18, the Examiner has cited Schweitzer solely for Schweitzer's disclosure of encrypting data transferred over a radio path (See Office Action, Page 13, citing FIG. 1B and Pars. [0008] and [0009] of Schweitzer). However, the addition of Schweitzer fails to make up for the aforementioned deficiencies of Jones with respect to claims 1 and 16, from which claims 3 and 18 depend. Accordingly, claims 3 and 18 should be patentable over the cited art. Thus, withdrawal of this rejection is respectfully requested.

V. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Schweitzer as applied to claim 3, and further in view of EP 1 775 929 A2 to Buhler ("Buhler"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 4 depends from claims 3 and 1. In rejecting claim 4, the Examiner has cited Buhler solely for Buhler's disclosure of video communications (See Office Action, Page 13, citing Par. [0014] of Buhler). However, the addition of Buhler fails to make up for the aforementioned deficiencies of Jones taken in view of Schweitzer with respect to claims 3 and 1, from which claim 4 depends. Accordingly, claim 4 should be patentable over the cited art. Thus, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 28 Under 35 U.S.C. §103(a)

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jones as applied to claim 16, and further in view of Buhler. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 28 depends from claim 16. In rejecting claim 28, the Examiner has cited Buhler solely for Buhler's disclosure of video communications (See Office Action, Page 16, citing Par. [0014] of Buhler). However, the addition of Buhler fails to make up for the aforementioned deficiencies of Jones taken in view of Schweitzer with respect to claim 16 from which claim 28 depends. Accordingly, claim 28 should be patentable over the cited art. Thus, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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